

### **INTERVIEW SUMMARY AND REMARKS**

Claims 11 and 12 are amended, no claims are canceled, and no claims are added; as a result, claims 1-12 are now pending in this application.

The following is intended as a full and complete response to the Office Action dated April 27, 2009, having a shortened statutory period for response set to expire on July 27, 2009. Claims 1-12 were examined. The Examiner rejected claims 11 and 12 under 35 USC § 101 as being directed to non-statutory subject matter. The Examiner rejected claim 11 under 35 USC § 112 as an impermissible single means claim. The Examiner rejected claims 1, 3-4 and 7-12 under 35 USC § 102(b) as being anticipated by Burazerovic (WO 2004/056112). The Examiner rejected claims 2, 5 and 6 under 35 USC § 103(a) as being unpatentable over Burazerovic and Unger (WO 03/061289). Applicants respectfully request reconsideration and withdrawal of these rejections for the reasons discussed below.

#### *Interview Summary*

During a telephone interview on August 20, 2009, between Natalya Hartmann and Examiner Callahan, claims 1, 11, and 12 were discussed. With regard to claim 1, an agreement was reached that none of the cited references teach or suggest scrambling payloads of each transport stream packet in a sub-sequence, as recited in claim 1. With regard to claim 11, the Examiner indicated that amending claim 11 to specify that the computer program is embodied in a computer-readable storage medium would overcome the 101 rejection and that amending claim 11 to recite the limitations similar to those of claim 1 would overcome the 112 rejection. With regard to claim 12, the Examiner indicated that amending claim 12 to recite a method for generating a data stream would overcome the 101 rejection.

#### *Oath/Declaration Objection*

The oath or declaration was objected to as being defective because it did not identify the mailing address of each inventor. A thorough review by Applicants' representative of the originally filed oath or declaration, the filing receipt, and the "Bibliographic Data Sheet" on PAIR showed no such defect. In the executed oath or declaration filed at the time the application

was filed in the Patent Office, a complete address was listed for each and every inventor, which included street address, city, country, and zip code. Zip codes fluctuate, depending upon which country from which each inventor came. Applicants request that this objection be withdrawn.

*§ 101 and 112 Rejection of the Claims*

Claim 11 has been amended to recite a computer-readable storage medium containing a set of instructions that, when run on a computer, performs a method of partially scrambling a data stream including transport stream packets, each transport stream packet having a header and a payload, wherein a sequence of transport stream packets has payloads carrying encoded data elements, arranged in units. Amended claim 11 further recites that the method includes the steps of selecting transport stream packets forming a sub-sequence of the sequence, and scrambling the payloads of each transport stream packet in the sub-sequence, monitoring the payloads of at least some of the transport stream packets in the sequence for the presence of data indicating a boundary between two subsequent units, and, for selected units, including at least one of the transport stream packets carrying data forming part of the selected unit in the sub-sequence.

Claim 12 has been amended to recite a method for generating a data stream. Amended claim 12 further includes limitations similar to those of claim 1.

Therefore, claims 11 and 12 are in condition for allowance.

*§ 102 Rejection of the Claims*

Claim 1 recites the limitations of scrambling payloads of each transport stream packet in a sub-sequence and, for selected units, including at least one of the transport stream packets carrying data forming part of the selected unit in the sub-sequence. Burazerovic does not teach or suggest these limitations.

Burazerovic discloses a system for encrypting an ITU-T H.264 video data stream (page 5, line 20). An analyzer analyses a compressed video data stream by reading NAL headers to obtain, for example, coding information as to the type of partition the NAL unit contains (page 5, lines 28-30). An encryption controller compares the statistics on each NAL unit to a set of selection and encryption rules, and selects which NAL units will be encrypted and how they will be encrypted (page 5, lines 32-35). A selected encryptor encrypts the entire NAL unit or a

portion of a NAL unit (page 6, lines 19-20). Encryption information may be contained in the NAL header or one or more fields within the NAL header, the TBPS field or one or more sub-fields within the RBSP field (page 6, lines 28-31).

In other words, according to Burazerovic, encryption takes place at the NAL unit level. According to claim 1, however, scrambling takes place at the transport stream level. As an example, this difference means that, for a transport stream packet 7b in Figure 2 of the present application, the complete payload 9b is scrambled, the complete payload including a NAL unit 15b and a NAL unit 15c. By contrast, encryption on the NAL unit level described in Burazerovic would mean that only the NAL unit 15b is encrypted (alternatively, only the NAL unit 15c is encrypted), i.e. only part of the payload is encrypted.

As the foregoing illustrates, Burazerovic does not teach or suggest scrambling payloads of each transport stream packet in a sub-sequence, recited in claim 1. Therefore, claim 1 is in condition for allowance.

Claims 9, 11 and 12 recite limitations similar to those of claim 1. Therefore, these claims are in condition for allowance for the same reasons as claim 1. Claims 2-8 and 10 are dependent from allowable claims 1 and 9, and, therefore, are also in condition for allowance.

Applicants further submit that amendments of claims 11 and 12 do not present new matter.

#### Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as

manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Based on the above remarks, Applicants believe that they have overcome all of the rejections set forth in the Office Action dated April 27, 2009, having a shortened statutory period for response set to expire on July 27, 2009, and respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25th day of August, 2009.

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